

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dietz et al.**

Serial No.: **10/015,235**

Filed: **December 13, 2001**

For: **Streaming Internet Media
Record and Playback Software
Program**

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§ Group Art Unit: **2173**

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§ Examiner: **Pillai, Namitha**

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§ Attorney Docket No.: **AUS920010924US1**

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39698

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

AFFIDAVIT

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

I, Monica Gamez, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as a Legal Assistant, in which capacity I personally receive all client related materials requiring further action and docketing on behalf of the Firm and IBM Corporation (the "Client").

On the mailing date of the Office Action in question, September 5, 2006, I was employed full time by the Firm and have no record of receipt of said Office Action.

When an office action is received, I enter the office action on the Firm's master docket and also enter the office action on the Firm's internal docketing system which produces the Case History Report attached hereto. Receipt of the office action is neither indicated on the Case History Report nor on the case file index.

Sworn to and attested as follows at Dallas, Texas on Friday, June 15, 2007:

AFFIANT:

Monica Gamez
Monica Gamez

On this the 15th day of June, 2007, personally appeared before me Monica Gamez, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.

Louise Fay
Notary Public
My commission expires: Nov. 28/09

(seal)

